



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,986	09/29/2003	Peter Kozdon	2003P08066US	2831

7590 06/18/2008
Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
----------	--------------

2614

MAIL DATE	DELIVERY MODE
-----------	---------------

06/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/673,986	Applicant(s) KOZDON ET AL.	
	Examiner Joseph T. Phan	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, and 17-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/27/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 17, and 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1, 17, and 18 lines 9-11 recites the limitation "*providing for the identity, via user interface, an aggregated view of the availability states for each of the media capability associated with the identity*" which is unclear and confusing.

The specification does not disclose providing for the identity, via a user interface, a view of the avail. states for media capabilities of itself(the identity). The specification, page 15 lines 22-28, discloses providing for another identity/second user, via a user interface, of the avail.states for media capabilities of Brian(first identity). The claims only recite a identity, not multiple identities and therefore makes the claims indefinite.

4. Claims 1, 17, and 18 lines 12-13 recites the limitation "*wherein an indication of said plurality of communication devices associated with the identity is not provided via the user interface*" which is unclear and confusing.

Applicant states Fig. 4-7 supports these limitations, however, it is noted that Fig.4-7 shows icons of 'phone calls' which indicates a telephony device associated with the identity. Page 15 lines 25-26 of applicant's specification also states 'the user interface 240 indicates that Brian cannot be contacted by telephone'. Therefore, It is understood that the icon of 'phone calls' indicates a telephone which makes this limitation and claims indefinite.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-11, and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Becker et al., Patent #6,981,223.

Regarding claims 1, 17, and 18, Becker teaches a system, method, and article of manufacture comprising:

a processor, a communication port coupled to said processor and adapted to communicate with at least one device, and a storage device coupled to said processor and storing instructions adapted to be executed by said processor(Fig.15-16) to:

determine a plurality of communication devices associated with an identity and determine at least one media capability associated with each of said plurality of communication devices (*Fig.15 and col.20 line 30-col.21 line 6; Lou's plurality of communication devices shows media capability for each-fax for faxing, mailbox for emailing, etc.*);

determine an availability state for each of said at least one media capability associated with each of said plurality of communication devices, where the availability state for each of said at least one media capability provides an indication of the availability for each of said at least one specific media capability(*Fig.15 and col.20 line 30-col.21 line 6; shows availability state of media capability(phone, etc.); and*

provide for the identity, via a user interface, an aggregated view of data indicative of said the availability states for each of said at least one media capability associated with the identity, wherein an indication of said plurality of communication devices associated with the identity is provided via the user interface(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 2, Becker teaches the method of claim 1, further comprising the step of: receiving a request for information regarding media channel availability for said identity(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 3, Becker teaches the method of claim 1, further comprising the step of: receiving a request for information regarding media channel availability for said device(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 5, Becker teaches the method of claim 1, wherein said providing of said aggregated view of data indicative of said availability states further provides information identifying said device(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 6, Becker teaches the method of claim 1, wherein said providing of said aggregated view of data indicative of said availability states further provides information identifying said identity(Fig.15 and col.20 line 30-col.21 line 6).

Regarding claim 7, Becker teaches the method of claim 1, wherein said providing of said aggregated view of data indicative of said availability information further provides information identifying an identity context associated with said identity(Fig.15 and col.20 line 30-col.21 line 6).

Regarding claim 8, Becker teaches the method of claim 1, further comprising the step of: determining a device context for said device (Fig.15 and col.20 line 30-col.21 line 6).

Regarding claim 9, Becker teaches the method of claim 1, further comprising the step of: determining a rule governing availability of said media channel (Fig.15 and col.20 line 30-col.21 line 6).

Regarding claim 10, Becker teaches the method of claim 1, further comprising the step of: determining a rule that governs how availability of said media channel is to be determined(Fig.15 and col.20 line 30-col.21 line 6).

Regarding claim 11, Becker teaches the method of claim 1, further comprising the step of: determining an identity context for said identity(Fig.15, col.20 line 30-col.21 line 6).

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 5-11, and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

In response to the added limitations, the prior art Becker, Fig.15 shows that Lou's phone for phone calls(media capability) is in an available state(circled icon).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614

/Curtis Kuntz/

Supervisory Patent Examiner, Art Unit 2614